

REMARKS

Claims 1-16 are now pending in the application, and claims 17-22 have been cancelled without prejudice. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 4-6 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention.

The Applicants have corrected “density” to read “composition” in the amendment to claim 4, which is submitted for the Examiner’s review and approval.

REJECTION UNDER 35 U.S.C. § 102

Claim 16 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Mravic (U.S. Pat. No. 5,399,187). This rejection is respectfully traversed.

At the outset, the Applicants submit that the amendment to claim 16 to include the material content percentages of claim 18 (which depends from claim 16) have rendered the present rejection moot. The Office Action states on page 5 that Mravic does not specifically disclose the precise percentages of the projectile constituent materials. Accordingly, claim 16 has been amended to include percentages of material constituents much like claim 1, which the Office Action states is not anticipated by Mravic. Moreover, claim 16 has been amended to clarify that frangible slug has a mass that is effective to impart kinetic energy to remove material obstructions from inside kilns. As such, the Applicants submit that Mravic also does not anticipate claim 16 as amended, and that claim 16 is now in a condition for allowance.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-14, 18 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mravic et al. (U.S. Pat. No. 5,760,331) in view of Lowden et al. (U.S. Pat. No. 5,760,331). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mravic et al. (U.S. Pat. No. 5,760,331) in view of Lowden et al. (U.S. Pat. No. 5,760,331) and in further view of Harris et al. (U.S. Pat. No. 6,038,978). These rejections are respectfully traversed.

Claim 1

The Office Action states on page 9 that Mravic's projectile is inherently capable of being fired from a ballistic tool and would inherently impart kinetic energy to deform to some degree a potential target, and notes that the Applicants are not claiming that the projectile strikes clinker built up on the inside of a kiln. Accordingly, the Applicants have amended claim 1 to include a grammatical clarification, that the ferrotungsten increases density to provide a frangible slug with a mass that is effective to impart kinetic energy to remove material obstructions from inside kilns. The Applicants note that the specification states that the addition of ferrotungsten increases frangibility as well as the density of the slug, which would thereby increase the mass of a slug dimensioned to be expelled from an 8-gage tool, for example. The Applicants submit that the claimed use of the slug has resulted in a structural difference of a content of ferrotungsten (up to 35%) for increasing the density of said frangible slug to provide a frangible slug with a mass that is effective to impart kinetic energy to remove material obstructions from the inside of kilns. As such, the Applicants submit that claim 1 is allowable for at least these reasons.

Claims 2-15

With regard to claims 2-15, these claims ultimately depend from independent claim 1, which the Applicants believe to be allowable in view of the above remarks. As such, the Applicants submit that claims 2-15, by virtue of their dependence from claim 1, are also allowable for at least these reasons.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (314) 726-7500.

Respectfully submitted,

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